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FILED
DISTRICT COURT OF GUAM
JAN 10 2003
MARY L. M. MORAN
CLERK OF COURT

10

UNITED STATES DISTRICT COURT OF GUAM

LOUIS VUITTON MALLETIER,)	CIVIL CASE NO. 03-00001
)	
Plaintiff,)	PLAINTIFF'S SECOND EX PARTE
)	APPLICATION FOR TEMPORARY
vs.)	RESTRAINING ORDER, SEIZURE
)	ORDER, ORDER TO SHOW CAUSE
JENNY DOE aka JENNY SALGADO,)	FOR A PRELIMINARY INJUNCTION,
CAROL A. SALGADO and DOES I)	ORDER SEALING FILE, AND ORDER
THROUGH XX.)	ACCELERATING DISCOVERY
)	
Defendants.)	
_____)	

Plaintiff Louis Vuitton Malletier ("Plaintiff") moves this Court, pursuant to 15 U.S.C. §1116, Rules 30, 34 and 65 of the Federal Rules of Civil Procedure, and L.R. 7.1(j) and requests an expedited ex parte hearing therefor, for an order (1) temporarily restraining defendants and all those acting in concert and/or participation with them, from selling, distributing, offering for sale or using in any manner or disposing of items bearing Plaintiff's trade names or trademarks or any of Plaintiff's registered trademarks and logos, or any imitations or copies thereof, during the pendency of this action; (2) directing the seizure and impoundment of items in defendant's possession, custody or control which infringe Plaintiff's trade names or trademarks and/or logos, which are used to manufacture infringing trademarks and/or logos and, which are used to manufacture infringing

merchandise; (3) to show cause why a preliminary injunction should not be issue; (4) sealing the Court file until the hearing on the Court's order to show cause why a preliminary injunction should not issue in this case, and (5) for accelerated discovery. Plaintiff requests that this Order issue against a second named defendant, Carol A. Salgado. Plaintiff filed a First Amended Complaint in this matter today, adding Carol A. Salgado as another defendant.

This application is made pursuant to the Trademark Counterfeiting Act of 1984 (15 U.S.C. § 1116(d)), Rules 34, 64 and 65 of the Federal Rules of Civil Procedure, and L.R. 7.1(j). This application is based on the grounds that (i) defendant's acts of trademark infringement and unfair competition are causing irreparable injury to Plaintiff and are in violation of the Lanham Act, 15 U.S.C. § 1051 et seq., and the common law, and (ii) giving advance notice of this application to defendant or the failure to impound temporarily the infringing merchandise will cause irreparable injury and frustrate the relief Plaintiff seeks in this action. Plaintiff has already posted \$1,000.00 as a security bond for issuance of the temporary restraining and seizure order.

This application is based on the First Amended Verified Complaint, the accompanying memorandum of points and authorities, and the Declarations of Rosa L. Resendez, Hyon Jung Kim aka Angie Kim, Anita P. Arriola, and exhibits attached thereto, such matters of which this Court may take judicial notice and such evidence and argument as may be presented at the hearing.

Dated this 10th day of January, 2003.

ARRIOLA, COWAN & ARRIOLA
Counsel for Plaintiffs LOUIS VUITTON
MALLETIER

BY: 
ANITA P. ARRIOLA